

**ZONING COMMITTEE
MINUTES
WEDNESDAY, OCTOBER 31, 2007**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, October 31, 2007** in the Council Chambers, at 11:35 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable Joyce Sheperd, Vice Chair
The Honorable Natalyn Archibong
The Honorable Carla Smith
The Honorable Howard Shook
The Honorable Anne Fauver**

The following member was absent:

The Honorable C. T. Martin

Others present at the meeting were: Charletta Wilson-Jacks, Zoning Administrator, Department of Planning and Community Development; City Attorneys Lem Ward and Jeffery Haymore, Law Department; and members of the Public and Council staff.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

07-O-2221 (1) An Ordinance by Zoning Committee correcting Ordinance
Z-07-38 07-O-0514, adopted by City Council September 4, 2007, approved by the Mayor September 12, 2007 amending the 1982 Zoning Ordinance of the City of Atlanta by replacing Chapter 18A. SPI-1 Central Core District Regulations with a Chapter entitled 18A. SPI-1 Downtown Special Public Interest District Regulations; and to eliminate Chapter 18B. SPI-2 North Avenue District Regulations and Chapter 18M. SPI-13 Centennial Olympic Park Special Public Interest District Regulations; and to amend the Official Zoning Map by supplanting existing Zoning Districts SPI-1, SPI-2, SPI-13, C-4 and C-5, with said SPI-1 Downtown District Map, and to eliminate the SPI-1 and SPI-2 Parking Limitation District Maps; to amend the Pedestrian Space Plan Map Part 2 of 2; and to amend Chapter 28A.0010 by supplanting

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

Subsection (12) Special Public Interest District 1 and eliminating Subsection (13) Special Public Interest District 2 and Subsection (34) SPI-13; for the purpose of including all of the pages of the Legislation and the Pedestrian Space Plan Map.

FAVORABLE – TO BE REFERRED TO ZONING COMMITTEE

07-O-2222 (2)
Z-06-101 An Ordinance by Zoning Committee correcting Ordinance 07-O-1432, adopted by City Council August 20, 2007, approved by the Mayor August 28, 2007 rezoning property located at **415 Gartrell Street, NE**, (also addressed as 70 Jackson Street) from the R-5 (Two-Family Residential) District to the MR-3 (Multi-family Residential) District for the purpose of including the correct legal description.

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-2223 (3)
Z-07-105 An Ordinance by Zoning Committee to rezone from the I-2 (Heavy Industrial) District to the MR-5B (Multi-Family Residential) District, property located at **1280 Chattahoochee Avenue, NW**, fronting approximately 540 feet on the east side of Southland Circle beginning approximately 400 feet from the southeast corner of Chattahoochee Avenue.
Depth: Varies
Area: 6.64 Acres
Land Lot: 192, 17th District, Fulton County, Georgia
Owner: William H. Brown and F. Christopher Brown
Applicant: Griffin Properties, Inc., c/o William Woodson Galloway, Esq.

NPU-D Council District 9

FAVORABLE – TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

07-O-2224 (4)
Z-07-106

An Ordinance by Zoning Committee to rezone from the R-5 (Two-Family Residential) District to the MR-3 (Multi-Family Residential) District, property located at **1463 LaFrance Street, NE**, fronting approximately 126 feet on the southwesterly side of LaFrance Street beginning approximately 145 feet from the western intersection of Mayson Avenue.

Depth: Approximately 145 Feet
Area: Approximately 1.23 Acres
Land Lots: 209 and 210, 15th District, Dekalb County,
Georgia
Owner: Coverge Real Estate, LLC
Applicant: Brenda Bass

NPU-O

Council District 5

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-2225 (5) An Ordinance by Zoning Committee to rezone from the R4-B (Single-Family Residential) District to the C-1 (Community Business) District, property located at **847 McDaniel Street, SE**, fronting approximately 29 feet on the west side of McDaniel Street and approximately 110 feet on the south side of Rockwell Street.

Depth:	Varies
Area:	Approximately 0.0732 Acre
Land Lot:	86, 14 th District, Fulton County, Georgia
Owner:	Marcus and Ayanna Jones
Applicant:	Marcus and Ayanna Jones

NPU-V

Council District 4

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

D. ORDINANCES FOR FIRST READING (CONT'D)

07-O-2226 (6)
Z-07-108 An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the R-LC (Residential-Limited Commercial) District, property located at **2999 and 3005 Lookout Place, NE**, fronting approximately 100 feet on the east side of Lookout Place beginning 300 feet from the intersection of Lookout Place and Pharr Road.

Depth:	Varies
Area:	Approximately 0.17 Acre
Land Lot:	60, 17 th District, Fulton County, Georgia
Owners:	Stephanie M. Wright, Phillip C. Henry and Charlotte B. Perrell
Applicant:	Stephanie M. Wright

NPU-B **Council District 7**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-2228 (7) An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16.06.005 (1)(a) for a Cemetery, property located at **1834 Piedmont Road, NE**, fronting approximately 196.50 feet along the west side of Piedmont Road, approximately 216 feet on the south side of Rock Spring Road.

Depth:	Varies
Area:	Approximately 0.971 Acre
Land Lot:	50, 17 th District, Fulton County, Georgia
Owner:	Raymon A. Rutledge as Trustee-Rock Spring Cemetery Association
Applicant:	Ainsly A. Waken

NPU-F **Council District 6**

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CONSENT AGENDA

E. ORDINANCES FOR FIRST READING (CONT'D)

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-2229 (8) An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16.06.005 (1)(g) for a Personal Care Home, property located at **2001 Albany Drive, SW**, fronting approximately 105.83 feet along the north side of Albany Drive and approximately 129 feet west of the intersection of Albany Drive and Centra Villa Drive.

Depth: Varies
Area: Approximately 0.363 Acre
Land Lot: 169, 14th District, Fulton County, Georgia
Owner: Antoinette Galette
Applicant: Arline Waynac

NPU-R

Council District 11

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

REGULAR AGENDA

D. COMMUNICATION

07-C-2185 (1) A Communication by Mayor Shirley Franklin re-appointing **Ms. Cynthia Mitchell** to the Zoning Review Board (ZRB) in the Real Estate Professional Category for a term of two (2) years. This re-appointment is scheduled to begin on the date of Council confirmation.

Councilmember Fauver made a motion to approve. The vote was unanimous.

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

E. ZRB SUMMARY REPORT

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F. PAPERS HELD IN COMMITTEE

- 06-O-0038 (1)
Z-05-56 An Ordinance by Councilmembers Carla Smith and Ivory Lee Young, Jr. to amend Various Sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or defining certain terms related to Supportive Housing; to provide how applications for such uses are to be processed; defining the term Community Center and removing certain redundant terms related to such use; redefining the conditions under which dormitories, Sorority Houses and Fraternity Houses are permitted; deleting rooming houses and boarding houses as permitted uses in certain districts; and for other purposes. **(Held 2/1/06 for further review)**

Councilmember Smith made a motion to approve. The vote was unanimous.

FAVORABLE

- 06-O-0273 (2) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

HELD

- 06-O-0286 (3)
Z-06-05 An Ordinance by Zoning Committee to rezone from the RG-4-C-HBS (Residential General-Sector 4 Conditional-Historic Building/Site) and RG-4-C (Residential General-Sector 4-Conditional) Districts, to the RG-4-C (Residential General-Sector 4-Conditional) District, property located at **2494 and 2510 Peachtree Road (a.k.a. 2500 Peachtree Road), NE**, fronting approximately 387.76 feet on the west side of Peachtree Road, beginning 400 feet from the southwest corner of Muscogee Avenue and Peachtree Road. **(Held 3/29/06 for further review)**

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F. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: Approximately 3.086 Acres
Land Lot: 112, 17th District, Fulton County, Georgia
Owner: 2500 Peachtree Condominium Association, Inc.
Applicant: 2500 Peachtree Condominium Association, Inc.
NPU-C Council District 8

HELD

06-O-0007 (4)
Z-05-65 An Ordinance by Councilmember Carla Smith
as amended by Zoning Committee to rezone the portion of
the property located at **1821 W. Anderson Avenue** that is
zoned R-4 (Single Family Residential) to the O-I (Office
Institutional) Classification, to issue a Special Use Permit for
the subject property; and for other purposes. **(Held
6/28/06 at the request of Councilmember of the
District)**

HELD

06-O-0022 (5)
U-05-22 An Ordinance by Councilmember Carla Smith
to issue a Special Use Permit for a Nursing Home at **1821 W.
Anderson Avenue (a.k.a. 31 Anderson Avenue)**; to waive
the 2,000 foot distance requirement for this location; and for
other purposes. **(Held 6/28/06 at the request of
Councilmember of the District)**

HELD

06-O-1950 (6)
Z-06-92 An **Amended** Ordinance by Zoning Committee to rezone
from the R-5 (Single-Family Residential) District to the RG-4
(Residential General-Sector 4) District, property located at
575 Boulevard, SE, (578 Rosalia Street, SE), fronting
approximately 100 feet on the west side of Boulevard. **(Held
11/1/06 pending CDP Public Hearing)**

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F. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: Approximately 0.339 Acre
Land Lot: 44, 14th District, Fulton County, Georgia
Owner: Atlanta Decatur Oxford District United
Methodist Church, Bobby A. Jones, Trustee
Chair

Applicant: Jeffrey L. Wilson

NPU-W

Council District 1

HELD

06-O-0955 (7)
Z-06-44

A **Substitute** Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at **1155 Hill Street, SE**, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. **(Held 11/1/06 at the request of District Council Person)**

Depth: Varies
Area: Approximately 8.719 Acres
Land Lot: 55, 14th District, Fulton County, Georgia
Owner: Jack and Harvey Taffel
Applicant: Chaz E. Waters/Skyline Partners, LLC.

NPU-Y

Council District 1

HELD

06-O-1927 (8)

An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

HELD

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F. PAPERS HELD IN COMMITTEE(CONT'D)

07-O-0396 (9) An Ordinance by Community Development/Human
CDP-07-09 Resources Committee to amend the Land Use Element of the
City of Atlanta 2004-2019 Comprehensive Development Plan
(CDP) so as to re-designate property that is located at **349**
14th Street, from the "Low Density Commercial" Land Use
Designation; to the "Mixed-Use" Land Use Designation; and
for other purposes. **(1st Quarter CDP Public Hearing held**
3/12/07) (Held 3/13/07 awaiting companion Zoning
legislation) (Favorable by CD/HR Committee 3/27/07)
(Held 3/28/07 at the request of the applicant)
NPU-E **Council District 2**

HELD

07-O-0148 (10) An Ordinance by Zoning Committee to rezone from the C-2
Z-06-138 (Commercial Service) District to the MRC-3 (Mixed
Residential-Commercial) District, property located at **349**
14th Street, NW, fronting approximately 134 feet on the
south side of 14th Street, at the southwest corner.
Depth: Approximately 152 Feet
Area: Approximately 0.47 Acre
Land Lot: 149, 17th District, Fulton County, Georgia
Owner: Julian W. Rikard
Applicant: Michael Gamble
(Held 3/28/07 at the request of the applicant)
NPU-E **Council District 2**

HELD

06-O-1445 (11) An Ordinance by Zoning Committee to rezone from the R-G-3
Z-06-74 (Residential General-Sector 3) District to the PD-MU
(Planned Development-Mixed Use) District, property located
at **3700 Martin Luther King, Jr. Drive, SW**, fronting
approximately 474.25 feet on the south side of Martin Luther
King, Jr. Drive beginning approximately 183 feet from the
southwest corner of Adamsville Drive. **(Held 5/2/07 at the**
request of Councilmember of the District)

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F. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: Approximately 27 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Atlanta Neighborhood Development Partnership
Applicant: Marvin Greer

NPU-H

Council District 10

HELD

06-O-2308 (12) An Ordinance by Zoning Committee to rezone
Z-06-113 from the SPI-6 (Poncey Highland Special Public Interest)
District to the C-1 (Community Business) District, property
located at **863 Ponce de Leon (rear), NE**, fronting
approximately 63 feet on the east side of Barnett Street,
beginning 150 feet from the westerly corner of Barnett Street
and Ponce de Leon Avenue. **(Filed by ZRB and Zoning
Committee 5/20.07) (Referred by back by Full Council
6/4/07) (Held 6/13/07)**

Depth: Approximately 74 Feet
Area: Approximately 0.861 Acre
Land Lot: 17, 14th District, Fulton County, Georgia
Owner: Robert T. Budd
Applicant: Kevin A. Ross

NPU-N

Council District 2

HELD

07-O-0389 (13) An Ordinance by Zoning Committee to amend Ordinance 04-
Z-07-24 O-2076/Z-04-127 which amended Z-03-85 which rezoned
property from the RG-2 (Residential General-Sector 2)
District to the PD-H (Planned-Development-Housing)
District, property located at **201 Moury Avenue, SE** for the
purpose of a Site Plan Amendment. **(Held 6/27/07)**

Owner: Villages at Carver, LLC.
Applicant: James R. Bailey

NPU-Y

Council District 11

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-1524 (14) An Ordinance by Councilmember Joyce Sheperd to rezone
Z-07-40 from the R-4 (Single-Family Residential) district to the R-4A
(Single-Family Residential) District, property located at
1623, 1619, 1615, 1609, 1603, 1599, 1595, 1589, 1585,
1579, 1575, 1573, 1569 and 1559 Langston Avenue, SE,
fronting approximately 716.50 feet on the west side of
Langston Avenue. Property is located approximately 150 feet
on north of the intersection of Langston Avenue and
Katherwood Drive. **(Held 8/29/07 for further review)**
Depth: Varies
Area: Approximately 6.03 Acres
Land Lot: 121, 14th District, Fulton County, Georgia
Owner: Brian Turner, President Southern Saw
Applicant: David N. Hauseman
NPU-X **Council District 12**

HELD

07-O-1779 (15) An Ordinance by Community Development/Human
CDP-07-32 Resources Committee to amend the Land Use Element of the
City of Atlanta 2004-2019 Comprehensive Development Plan
(CDP) so as to re-designate property that is located at **2343,**
2347 and 2368 Hosea L. Williams Drive, from the "Single
Family Residential" Land Use Designation to the "Low
Density Commercial" Land Use Designation; and for other
purposes. **(Public Hearing held 9/10/07) (Held 9/11/07**
at the request of the Department) (Favorable by CD/HR
Committee 10/9/07)
NPU-O **Council District 5**

**Councilmember Sheperd made a motion to approve. The
vote was unanimous.**

FAVORABLE

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F. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-1123 (16)
Z-07-57A

An **Amended** Ordinance by Zoning Committee to rezone from the C-1 (Community Business) and R-4 (Single-Family Residential) Districts to the C-1-C (Community Business) District, property located at **2343 and 2347 Hosea Williams Drive, SE**, fronting approximately 200.72 feet on the south side of Hosea Williams Drive, at the southwest corner of Hosea Williams and Second Avenue.

Depth: 200 Feet

Área: 0.917 Acre

Land Lot: 204, 15th District, Dekalb County, Georgia

Owner: 2nd Avenue Associates, LLC

Applicant: Eric Kronberg

NPU-0

Council District 5

Councilmember Sheperd made a motion to approve. The vote was unanimous.

FAVORABLE

07-O-1124 (17) An **Amended** Ordinance by Zoning Committee to rezone
Z-07-57B from the C-1 (Community Business) and R-4 (Single-Family
 Residential) Districts to the C-1-C (Community Business)
 District, property located at **2365 and 2371 Hosea Williams**
Drive, SE, fronting approximately 99.83 feet on the south
 side of Hosea Williams Drive, at the southeast corner of
 Hosea Williams and Second Avenue.

Depth: 200 Feet

Area: 0.857 Acre

Land Lot: 204, 15th District, Dekalb County, Georgia

Owner: 2nd Avenue Associates, LLC

Applicant: Eric Kronberg

NPU-0

Council District 5

Councilmember Sheperd made a motion to approve. The vote was unanimous.

FAVORABLE

SUMMARY REPORT
November 5, 2007

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FAVORABLE ON SUBSTITUTE</u>						
07-O-0630	Z-07-26	668 North Avenue, N.W. L-3	R4 to MR-2-C	Approval Conditional on substitute	Approval	Approval Conditional on substitute
Councilmember Shook made a motion to approve on substitute. The vote was unanimous.						
07-O-1792	Z-07-95	Mechanicsville Affordable Housing Floor Area Ratio Bonus V-4	Text Amendment	Approval on substitute	Approval	Approval on substitute
Councilmember Shook made a motion to approve on substitute. The vote was unanimous.						
<u>FAVORABLE AS AMENDED</u>						
07-O-1923	U-07-23	4075 Paces Ferry Road, N.W A-8	Site Plan Amendment	Approval Conditional	Approval	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
07-O-1921	U-07-27/U-06-23	23-41 Peachtree Avenue, N.E. 2380 (aka 2890) North Fulton Dr., N.E. B-7	Site Plan Amendment	Approval Conditional	Approval	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
07-O-0861	Z-07-50	710 North Avenue, N.W. L-3	R4A to MR3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
07-O-1455	Z-07-74	60-64 Mangum Street, SW, 356 Mitchell Street, SW, 376 Mitchell Street, SW and the following Parcels 14-0084-0004-0196, 14- 14-0084-0004-0832, 14-0084- 0004-0840, 14-0084-0004-0550, 14-0084-0004-0725, 14-0084- 0004-0766 M-3	MRC-2-C to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional

Councilmember Shook made a motion to approve as amended. The vote was unanimous.

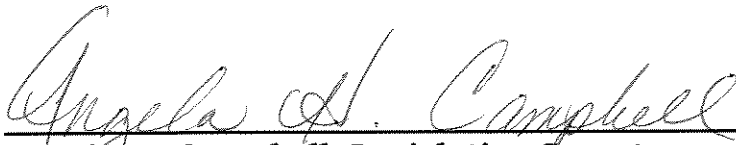
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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FAVORABLE AS AMENDED-CONT'D</u>						
07-O-1443	Z-07-75	348 Mitchell Street, S.W. formerly known as 0 Mitchell Street and aka Parcel 14-084-004-018 M-3	MRC-2-C to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
07-O-1920	Z-07-84/Z-04- 16/Z-02-34/Z-02- 41	3871 Redwine Road, S.W. P-11	Site Plan Amendment	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
07-O-1915	Z-07-87	75 Airline Street, N.E. M-2	I-2 to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
07-O-1919	Z-07-93	38 Peachtree Avenue, N.E. B-7	RG-2 to RG-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
<u>FILE</u>						
07-O-1569	Z-06-76	Affordable Housing-Midtown SP1- 16 E-2 and 6	Text Amendment	File	No Action Taken	File
Councilmember Smith made a motion to file. The vote was unanimous.						
07-O-0265	Z-07-05	422, 424, 501 and 509 Pryor Street V-4	SP1-18 subarea 4 to SP1- 18 subarea 3	File	Deferral	File
Councilmember Shook made a motion to file. The vote was unanimous.						

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There being no further business to come before the Zoning Committee the meeting was adjourned at 11:55 a.m.

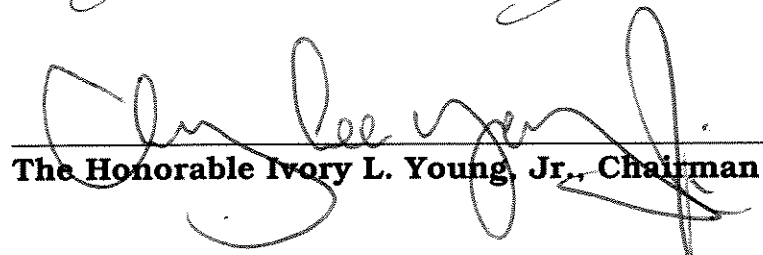
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory L. Young, Jr., Chairman